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REVISED LAWS

OF THE

STATE OF VERMONT.

Paſſed by the GENERAL ASSEMBLY of the REPRESENTATIVES of the FREEMEN of the State, at their SESSIONS in JUNE and OCTOBER, in the Year of our LORD, One Thouſand Seven Hundred and Eighty Two, and the fifth Year of their SOVEREIGNTY and INDEPENDENCE.

An ACT eſtabliſhing the CONSTITUTION of VERMONT, and ſecuring the PRIVILEGES of the PEOPLE.

Paſſed June 21, 1782.

TO prevent Diſputes reſpecting the legal Force of the Conſtitution of this State, and to determine who are entitled to the General Privileges of the Conſtitution and Laws.

Preamble.

BE it Enacted, and it is hereby Enacted by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the authority of the ſame, That the Conſtitution of this State, as eſtabliſhed by Convention, held at Windſor, July and December one thouſand ſeven hundred and ſeventy ſeven, ſubject to ſuch alterations and additions as ſhall be made agreeable to the forty fourth Section in the Plan of Government, ſhall be forever conſidered, held and maintained, as part of the laws of this State.

I.
The conſtitution declar'd to be law.

And be it further Enacted by the Authority aforeſaid, That all the people of the American States, within this State, whether they be inhabitants or not, ſhall enjoy the ſame juſtice and law as is general for this State, in all cauſes proper for the cognizance of the civil authority and courts of Judicature in the ſame; and that without partiality or delay: And that no man's perſon ſhall be reſtrained or impriſoned, unleſs by authority of law.

II.
The people of the American States to have the benefit of law.
No perſon to be impriſoned but by authority of law.

An ACT adopting the COMMON and STATUTE LAW of ENGLAND.

Paſſed June 21, 1782.

WHEREAS it is impoſſible, at once, to provide particular Statutes adapted to all caſes wherein Law may be neceſſary for the happy Government of this People.

Preamble.

AND WHEREAS the Inhabitants of this State have been habituated to conform their Manners to the Engliſh Laws, and hold their Real Eſtates by Engliſh Tenures.

BE it Enacted, and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame, That ſo much of the Common Law of England, as is not repugnant to the Conſtitution or to any Act of the Legiſlature of this State, be, and is hereby adopted, and ſhall be, and continue to be law within this State.

I.
The Common Law of England adopted.

AND WHEREAS the STATUTE LAW OF ENGLAND is ſo connected and interwoven with the Common Law, that our juriſprudence would be incompleat without it; Therefore,

Preamble.

Be

II. The Statute Laws of England adopted in part.

Be it further Enacted by the Authority aforeſaid, That ſuch Statute Laws and parts of laws of the Kingdom of England as were paſſed before the firſt day of October, Anno Domini one thouſand ſeven hundred and ſixty, for the alteration and explanation of the Common Law, and which are not repugnant to the conſtitution, or ſome Act of the Legiſlature, and are applicable to the circumſtances of the State, are hereby adopted and made, and ſhall be and continue to be Law within this State: And all courts are to take notice thereof, and govern themſelves accordingly.

Paſſed June 21, 1782.

AN ACT defining and limiting the POWERS of the ſeveral COURTS within this STATE.

Preamble.

WHEREAS it is eſſential to the wiſe and happy Adminiſtration of Government, and regular Execution of Law, that the different Powers of the ſeveral Courts of Juſtice within this State, be exactly limited and defined: Therefore,

I. Juſtices Power in criminal Cauſes.

BE it Enacted, and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame, That every Juſtice of the Peace, within his reſpective juriſdiction, be, and is hereby, fully authoriſed and impowered to hear, try and determine, all pleas and actions of a criminal nature, where the fines and forfeitures are within the ſum of Forty Shillings, and the corporal puniſhment does not exceed ten ſtripes.

An Appeal allowed

Provided always, That any perſon proſecuted for a criminal offence, or breach of any penal law (except for breach of Sabbath, profane ſwearing, drunkenneſs, & ſimple breaches of peace, where the judgment ſhall be given on general iſſue) and aggrieved at the judgment given by any Juſtice of the Peace, may appeal from the ſame, to the next county court to be held for ſaid county, where the judgment was rendered, there to be finally determined: The appellant, within two hours after ſentence given, recognizing with ſufficient ſureties, in a reaſonable ſum to the Treaſurer of the town where the offence is charged to have been committed (if the proſecution be commenced by an informing officer: If otherwiſe, to the proſecutor) for his perſonal appearance at the court appealed to, proſecuting his appeal there to effect, abiding the order or ſentence of the ſaid court thereon, and to be of good behaviour in the mean time.

On giving Surety.

Tenor of Recognizance.

The appellant to remain in cuſtody till ſurety given.

And the party appealing ſhall remain in the cuſtody of an officer until he ſhall have given ſuch ſecurity: Which officer ſhall not be allowed more than one ſhilling an hour for the ſaid ſervice.

And

And no execution ſhall be granted on any ſuch judgment, from which an appeal is allowed.

Execution not to iſſue after appeal allowed.

II.

Juſtices power in civil actions.

And be it further Enacted by the Authority aforeſaid, That every Juſtice of the Peace within his proper ſphere of juriſdiction, as aforeſaid, be and is hereby fully authorized and impowered to hear, try and determine all pleas and actions of a civil nature, in which title of land is not concerned, where the debt or other matter in demand does not exceed the ſum of ſix pounds; and ſhall allow an appeal under ſuch directions as are herein before provided, where ſuch debt or demand ſhall exceed the ſum of forty ſhillings, and alſo to determine as aforeſaid, on all ſpecialties and notes of hand, not exceeding the ſum of ten pounds, avouched by one or more witneſſes; and to give judgment, and award execution thereon accordingly. Provided that either plaintiff or defendant ſhall have a right to demand a jury of ſix men to try ſuch cauſes, after an iſſue is joined in the cauſe proper for a jury to try.

The parties right to a Jury.

III.

Proceedings where the defendant pleads title to land before a juſtice.

And be it further Enacted by the authority aforeſaid, That when in any action to be brought before any Juſtice of the Peace in this State, the defendant ſhall juſtify, and plead title to land where a treſpaſs is ſaid to have been committed, and ſatisfy ſuch Juſtice that he has a colour of title to the ſame, the ſaid defendant ſhall become bound, with one or more ſureties, by way of recognizance, unto the adverſe party, in ſuch reaſonable ſum as the Juſtice ſhall direct, on condition that he ſhall appear at the next ſtated or adjourned County Court, to be held for the county in which ſuch treſpaſs is alledged to be done, and deliver the pleadings in the ſaid cauſe to the clerk of ſaid court, and cauſe the action to be entered in the ſaid County Court for trial, on the firſt day of the ſeſſion thereof, and pay and ſatisfy ſuch damages and coſts as ſhall be awarded againſt him upon the final judgment given in the ſaid cauſe. And the ſaid Juſtice ſhall thereupon deliver the writ and pleadings to the defendant, and the record of the recognizance to the plaintiff. And if ſuch recognizor ſhall neglect to deliver the pleadings to the clerk, as aforeſaid, and cauſe the action to be entered in due time for trial, according to the tenor of his recognizance, the default ſhall be entered in the ſaid court, and a writ of Sciere Facias ſhall be iſſued by the ſaid Clerk, for the recovery of the ſum mentioned in ſaid recognizance. And if the ſaid action ſhall be entered on the clerk's docquet in due time, the ſaid County Court ſhall proceed to try the ſame, and give judgment in like manner as if the action was originally commenced in that court: But if the defendant in treſpaſs, juſtifying on plea of title, ſhall refuſe or neglect to become bound in manner as aforeſaid, then his plea ſhall abate, and the Juſtice notwithſtanding the ſame, ſhall proceed as if title to land was not concerned.

IV.

Juſtices power to commit or bind over for offences,

And it is further Enacted by the Authority aforeſaid, That each and every Juſtice of the Peace, within the limits of his authority, be, and is hereby empowered according to law, to apprehend, or cauſe to be apprehended, and commit to priſon, or bind over to be tried

tried by the county or ſupreme court, all ſuch criminal offenders, the enormity of whoſe miſdemeanors, ſurpaſſes his power to try.

V. Authority of county courts in civil actions.

And be it further Enacted by the Authority aforeſaid, That all actions and cauſes of action of a civil nature, (except on ſpecialties and notes of hand avouched by one or more witneſſes) wherein the matter in demand exceeds the ſum of forty ſhillings, and on all ſpecialties and notes of hand, avouched as aforeſaid, exceeding the ſum of ten pounds, ſhall be originally commenced and proſecuted to effect, in a county court, under ſuch regulations and reſtrictions as are hereafter provided: And the County Courts are to take cognizance of all appeals which of right are brought from a juſtice's court to the county court.

VI. County Court's power in criminal matters. An appeal allowed

And it is hereby further Enacted by the Authority aforeſaid, That the County Courts, within their reſpective counties, ſhall take cognizance of all criminal matters of every name and nature (except ſuch caſes as are cognizable only in the ſupreme court) and award ſuch ſentence as to law and juſtice appertains. And any perſon proſecuted for a criminal offence, and aggrieved at the judgment given in any County Court, may appeal from the ſentence, (the cauſe being originally heard and tried in the ſaid court) to the next ſtated or adjourned Supreme Court, to be holden in ſaid county where the cauſe was tried, there to be finally determined: The

On giving ſurety,

appellant within twenty four hours after ſentence given, recognizing to the treaſurer of the county where the offence is charged to have been committed, (if the proſecution be commenced on the complaint of a county or town informing officer: If otherways, to the proſecutor) with ſufficient ſureties, in a reaſonable ſum, for his perſonal appearance at the court appealed to, proſecuting his appeal there to effect, abiding the order or ſentence of the ſaid court thereon, and to be of good behaviour in the mean time. And the party appealing is to remain in the cuſtody of an officer until, he ſhall have given ſuch ſecurity: Which officer ſhall not be allowed more than one ſhilling an hour for the ſaid ſervice.

The appellant to remain in cuſtody till ſurety given.

VII. A Supreme Court conſtituted.

The Judges how choſen,

Their Power.

And be it further Enacted by the Authority aforeſaid, That there ſhall be and hereby is conſtituted, a Supreme Court of Judicature within and for this State, to be held and kept annually, at the reſpective times and places in this Act hereafter mentioned, by one chief Judge and four other Judges, to be choſen by ballot, by the Governor, Council and General Aſſembly, annually, at their October ſeſſion, and commiſſioned for that purpoſe: Any three of whom to be a quorum; who ſhall have cognizance of all pleas of the State, criminal actions and cauſes, and whatſoever relates to the conſervation of the peace, and puniſhment of offenders, whether the ſame be brought into ſaid court by appeal or any original proceſs according to law: and alſo of civil cauſes or actions between party and party; and between this State and any of its ſubjects, whether the ſame do concern the realty, and relate to any right of freehold and inheritance, or whether the ſame do concern the perſonalty and relate to matters of debt, contract, damage or perſonal injury: and

alſo

alſo all mixt actions which concern both realty and perſonalty, brought before them by appeal, review, writ of error, or in any legal way whatſoever. And the ſaid Court is hereby empowered to give judgment therein and award execution thereupon, with coſts.

VIII.

Power of ſupreme & county courts in chancering.

Proceedings on Mortgages, &c.

And it is alſo further Enacted by the Authority aforeſaid, That as well the Judges of the County Court as the Judges of the Supreme Court of Judicature reſpectively, where the forfeiture or penalty of any obligation, with a condition under-written, or penalty annexed to any articles, agreement, covenants, contracts, charter-party, or other ſpecialty, or forfeiture of any eſtate granted upon condition executed, by deed of mortgage, or bargain and ſale with defeazance, ſhall be found by verdict of Jury, or by default or confeſſion of the obligor, mortgager or vender, are hereby impowered and authoriſed to moderate the rigor of the Law; and on conſideration of ſuch caſes, according to equity and good conſcience, to chancer ſuch forfeiture, and to enter up judgment for the juſt debt and damages, and to award execution accordingly: Only upon actions upon mortgages or bargain and ſale with defeazance, the judgment ſhall be conditioned as follows------That if the mortgager or vender, his heirs, executors or adminiſtrators, ſhall tender ſuch ſum as the court ſhall determine to be juſtly due thereupon, to the clerk of ſaid Court, within three months after the rendering of ſuch judgment, ſuch clerk ſhall receive it, and deliver a certificate of ſuch receipt to the perſon making ſuch tender or payment: Which certificate, being entered upon the margin of the record of the mortgage, or other inſtrument of bargain or ſale, in the Town-Clerk's office where ſuch land lies, ſhall diſcharge and forever defeat ſuch inſtrument. And when the plaintiff ſhall receive ſuch ſum of the clerk, the ſaid plaintiff ſhall ſubſcribe a receipt for it on the records of the Court. But if the mortgager or vender ſhall not make ſuch payment or tender as aforeſaid, within the term aforeſaid, the plaintiff ſhall be put in poſſeſſion of the land ſued for, by a writ for that purpoſe to be iſſued by the Clerk of the Court wherein ſuch judgment was obtained. (Saving always, that nothing in this act be underſtood to debar the plaintiff from going to the clerk's office with the defendant, and receiving the money immediately of the defendant.) And alſo that where judgment ſhall be rendered by default, in any ſuit brought on a note of hand, in any court in this State, ſuch court ſhall have full power to aſcertain the ſum due on ſuch note, and give judgment accordingly.

The power of every court to aſcertain the damages when judgment is rendered by default.

IX.

Times and places of Supreme Court's ſitting.

And be it further Enacted by the Authority aforeſaid, That the times and places for the annual ſitting of the Supreme Court in the ſeveral counties, be as follows, viz: At Bennington, and at Manchester, in the county of Bennington, alternately, on the fourth Tueſday of Auguſt: At Tinmouth, in the county of Rutland, on the third Tueſday of Auguſt: At Weſtminſter and Marlborough in the county of Windham, alternately, on the firſt Tueſday of February: At Windſor, in the county of Windſor, on the ſecond Tueſday of February: And at Thetford, in the county of Orange, on the third Tueſday of February.

X. Times and places of county court's ſitting.

And be it further Enacted by the Authority aforeſaid, That the times and places for holding county courts, annually, in the ſeveral counties, be as follows, viz. In the County of Bennington, at Bennington, the third Tueſday of September, and at Mancheſter, the third Tueſday of April. In the county of Rutland, at Tinmouth on the fourth Tueſday of April, and the third Tueſday of November. In the county of Windham, at Weſtminſter. on the firſt Tueſday of May; and at Marlborough on the ſecond Tueſday of December. In the County of Windſor, at Windſor, on the laſt Tueſday of May, and on the laſt Tueſday of October. In the county of Orange, at Thetford, on the ſecond Tueſday of June, and at Newbury, on the firſt Tueſday of February.

Paſſed June 21, 1782.

AN ACT regulating all PROCESSES in CIVIL CAUSES.

Preamble.

SINCE without Regularity, which is the Beauty, and ought to be the Tenor of every Proceeding, it is not to be expected that any Thing can be happily accompliſhed, much leſs that the various Actions and Pleas that may ariſe among the good People of this State, may be iſſued and determined with Preciſion and Juſtice. Therefore that our Syſtem of Juriſprudence may moſt effectually anſwer the beneficial Purpoſes for which it was deſigned.

I.

Proceſſes to be ſummonſes or attachments.

BE it Enacted and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame. That the ordinary mode of proceſs in civil cauſes, in the ſeveral Courts of Judicature within this State, ſhall be by ſummons or attachment, and according to the form provided by law.

Who to ſign writs.

And every proceſs to be commenced before any County Court within this State, ſhall be ſigned by a Councillor or by a Judge, or Clerk of the County Court before which the cauſe is to be tried, or by a Juſtice of the Peace within the County.

The extent of them.

And all writs or proceſſes triable in the Supreme Court, and therein originally commencing, ſhall be ſigned by a Judge, or Clerk of the ſame, or by a Councillor. And all writs ſigned by a Councillor, or by a Judge or Clerk of the County Court, as well original as judicial, ſhall run into any County or place within the State, and be there executed by any officer to whom directed.

To contain a declaration.

And all original writs ſhall mention the court, time and place of appearance, and contain a declaration, ſetting forth the cauſe of the action according to due form of law.

To whom to be directed.

And all writs and proceſſes ſhall be directed to the Sheriff, his deputy, or ſome conſtable of the town where the ſervice is to be made, except where both ſheriff and conſtable are parties, in which caſe the writ may be directed,

recte l, and the ſervice done, by any conſtable within the county: And in caſe no ſuch officer can be ſeaſonably had, the writ may be directed to an indifferent perſon being named: Thoſe returnable to the Supreme or County Court ſhall be ſerved twelve days at leaſt before the time of ſitting of the Court to which they are returnable, including the day of ſervice: And thoſe which are returnable to a Juſtice of the Peace, ſhall be ſerved, at leaſt ſix days before the day of trial, incluſive as aforeſaid.

When to be ſerved.

And be it further Enacted by the Authority aforeſaid, That all writs of ſummons ſhall be ſerved by reading the ſame to the defendant, or by leaving an atteſted copy thereof at his, her or their laſt and uſual place of abode. And that when the goods or eſtate of any perſon ſhall be attached at the ſuit of another, a copy of ſaid attachment and a liſt of the articles attached, atteſted by the officer ſerving the ſame, ſhall be delivered to the party whoſe goods or eſtate are attached, or left at his, her, or their dwelling houſe, or laſt and uſual place of abode. And in caſe the perſon or perſons whoſe eſtate is attached is not an inhabitant within this State, then ſuch copy ſhall be left with his, her or their tenant, agent or attorney, or at the place where ſuch eſtate was attached: And that the ſerving thereof be certified by a ſworn officer, who exeeuted the attachment, or by affidavit made in court by ſome diſintereſted perſon that delivered the ſame.

II.
How to be ſerved.

And be it further Enacted by the Authority aforeſaid, That no attachment ſhall be granted againſt any perſon who is a freeholder and inhabitant of this State, until the plaintiff, his agent or attorney ſhall ſatisfy the authority to whom application ſhall be made, by oath or other ſufficient evidence, that he is in danger of loſing his juſt dues; and alſo give ſufficient ſecurity to proſecute his action to effect, and anſwer all damages, if he ſhall not ſupport it. And in ſuch caſe attachment may be granted againſt the goods or eſtate of the defendant, and for want thereof againſt his body.

III.
When an attachment may be granted.

And be it further Enacted by the Authority aforeſaid, That where plaintiff and defendant are inhabitants within this ſtate, the action or ſuit ſhall be brought in the county where one of the parties reſide: Otherwiſe the defendant ſhall have right to abate the action, and recover double coſts: And where either party is not an inhabitant of this State, the action or ſuit may be brought in any county at the option of the plaintiff. Provided always, That when title of land ſhall be in diſpute, and in actions for treſpaſſes committed upon freeholds, the trial ſhall be in the County where the land lies.

IV.
Where ſuit is to be brought.

And be it further Enacted by the Authority aforeſaid, That when it ſhall appear to the ſatisfaction of the court, that the party againſt whom ſuit is brought is not an inhabitant of this State, or is abſent out of the ſame at the time of commencing ſuch ſuit, and ſhall not return before the time for trial; the Court where ſuch ſuit is brought, ſhall continue the action to the next Court, unleſs the plaintiff

V.
The court to continue the action where the defendant is abſent at the time of ſerving the writ.

plaintiff ſhall make it appear, to the ſatisfaction of the court, that the defendant had notice of the ſervice of ſuch proceſs, a ſufficient time before the return thereof, to have appeared at ſaid Court and had a trial.) And if the defendant do not then appear, by himſelf or attorney, and be ſo remote that the notice of ſuch ſuit could not probably be conveyed to him during the vacancy, the court may further continue the action to the next court and no longer And when it ſhall happen that any action ſhall be commenced and brought before any Juſtice of the Peace within this State, and it ſhall appear to the ſatisfaction of the ſaid Juſtice, that the defendant is abſent and without the ſame as aforeſaid, and ſhall not return as before mentioned, the juſtice before whom ſuch ſuit or action is brought, ſhall continue ſaid action for a time not exceeding the term of one month: And if the defendant do not then appear as before mentioned, and be ſo remote that notice of ſaid ſuit could not be conveyed to him as aforeſaid (unleſs the plaintiff ſhall make it appear, to the ſatisfaction of the ſaid Juſtice, that the defendant had notice of the ſervice of ſuch proceſs a ſufficient time before the return thereof, to have appeared at ſaid court and had a trial) then ſuch juſtice may continue ſaid action for any further term not exceeding one month. And in ſuch caſes where judgment ſhall be entered up by default, (except where ſuch notice as aforeſaid ſhall be proved) execution or writ of ſeizin ſhall not iſſue until the plaintiff ſhall have given bond, with one or more ſufficient ſureties, in double the value of the eſtate, or ſum of money, recovered by ſuch judgment, to make reſtitution, refund and pay back ſuch ſum as ſhall be given in debt or damages, or ſo much as ſhall be recovered by writ of review, to be brought within one year next after entering up of the firſt judgment, if upon ſuch ſuit the judgment ſhall be annulled, reverſed or altered. And the plaintiff in review ſhall take the benefit of all pleas and advantages that he might have done upon the original ſuit. And the ſecurity aforeſaid to be no further anſwerable than for the recovery that ſhall be made upon ſuch ſuit to be commenced within one year as aforeſaid.

Execution not to iſſue untill the plaintiff gives ſecurity for reſtitution, &c.

How far ſuch ſecurity anſwerable.

VI.

All legal proceedings to be in Engliſh.

And be it further Enacted by the Authority aforeſaid, That all writs, proceeſſes, declarations, indictments, pleas, anſwers and entries in the ſeveral courts of juſtice within this State, be in the Engliſh language.

And not to be abated, &c. for want of form.

And that no ſummons, proceſs, writ, judgment, or other proceedings in courts, or courſe of juſtice, ſhall be abated, arreſted or reverſed for any kind of clerical errors or miſtakes, where the perſon and caſe may be rightly underſtood by the court, nor through defect or want of form only. And a juſtice or the judges, on motion made in court, may order amendment thereof.

On a diſcontinuance or non-ſuit plaintiff to pay coſts.

And if any perſon ſhall cauſe proceſs to be ſerved on another, for any matter or cauſe, and diſcontinue his ſuit, or be non-ſuit, the court where ſuch proceſs is returnable, ſhall give judgment for the defendant to recover reaſonable coſts.

And

And in caſe the defendant in any ſuit, being duly ſerved with proceſs, and return thereof being made into the court where the ſame is returnable, do not appear by himſelf or attorney, his default ſhall be recorded, and judgment be entered up againſt him thereon; unleſs before the jury be diſmiſſed, he ſhall come into court and move for a trial: In which caſe he ſhall be admitted thereto upon paying down to the adverſe party the coſt he has been at ſo far. And the plaintiff ſhall pay for entering the action anew.

Defendant not appearing judgment to be againſt him.

And be it further enacted by the authority aforeſaid, That the Judges of the Supreme Court and the Judges of the County Courts reſpectively, within the State, be, and hereby are, empowered to make neceſſary rules for the orderly practice in ſuch courts; ſo that ſaid rules be not repugnant to the laws of this State; and alſo, from time to time to appoint a clerk to officiate in their reſpective courts, and do all things proper to that office; who ſhall be under oath well and truly to execute and diſcharge the ſame,

VII. Supreme and County Courts to make Rules.

and appoint their Clerks.

And be it further enacted by the authority aforeſaid, That it ſhall be in the liberty of the party aggrieved at the judgment or ſentence given in any Juſtice's court, to appeal therefrom unto the next ſtated or adjourned county court within the county where the caſe was firſt tried: And alſo it ſhall be in the liberty of the party aggrieved at the judgment or ſentence given in any county court, in any action originally commenced therein, to appeal therefrom unto the next ſtated or adjourned Supreme Court of Judicature, to be holden within and for the ſame county; or once, and no more, to review his cauſe at the next ſtated or adjourned ſeſſion of the ſame court: And it ſhall be in the liberty of the party aggrieved at any judgment or ſentence of the Supreme Court, to review his cauſe at the next ſtated or adjourned ſeſſion of ſaid court in the ſame county:---And the party claiming an appeal or review, in either of the caſes before mentioned, before his appeal or review be allowed (which ſhall not be after the ſeſſion of the court wherein the judgment was rendered) ſhall give ſufficient ſecurity by way of recognizance, to the adverſe party, within twenty four hours after judgment, to proſecute the ſame to effect, and anſwer and pay all intervening damages, occaſioned to the appellee or reviewee, by his being delayed, with additional coſts, in caſe the judgment be affirmed: And execution ſhall be ſtayed and ſuſpended until after the trial had upon the appeal or review. And the party appealing ſhall produce and give into the court where ſaid appeal is to be tried, atteſted copies of the writ, judgment, and all the evidences filed in the court from whence ſuch appeal was granted.

VIII Party aggrived may appeal.

And in the Supreme and County Courts review his cauſe.

Giving ſecurity to proſecute to effect.

Appellant to produce copies to the court.

Provided that no appeal or review ſhall be allowed in either of the courts before mentioned, where the judgment went upon default.

No appeal where judgment goes by default.

Provided alſo, That where judgment ſhall be given on verdict, in any ſuit, twice for the ſame party, no appeal or review ſhall be allowed.

Nor where judgment on verdict is twice for the ſame party.

And to prevent appeals from the judgment of any of the Courts before mentioned, with a view of delaying juſtice:

IX. If appellant does not proſecute to effect,

It is further enacted by the authority aforeſaid, That whenever any perſon who ſhall appeal from the judgment or ſentence given by any Juſtice or County Court, as before mentioned, ſhall fail to bring forward and proſecute his appeal to effect, in manner as above is provided, it ſhall be lawful in ſuch caſes for the appellee to enter his complaint in the court to which ſaid appeal did lie, and producing atteſted copies of the judgment and evidence neceſſary for that purpoſe, to the ſaid court, the ſaid court ſhall award to the appellee the debt or damages and coſts, recovered by the firſt judgment, and the intereſt thereof at the rate of twelve per centum per annum, together with additional coſts.

The Court ſhall award debt or damage, & coſts twelve per cent intereſt and additional coſts.

X. Courts to determine the law in ſpecial verdicts. Which the jury have a right to give.

And be it further enacted by the authority aforeſaid, That the Judges of the Supreme and County Courts, and Juſtices of the Peace, ſhall determine matters of law, ſtated and referred to them by the jury, in their ſpecial verdicts: Which verdicts the jury, in all caſes wherein matters of law are to them ſo obſcure that they cannot clearly and ſafely give a General verdict, ſhall have liberty to give therein; finding and preſenting the facts, and thereon ſtating and putting the queſtion in law, viz. "If the law be ſo then we find for the plaintiff; but if the law be otherwiſe then we find for the defendant."

XI. Any juſtice authorized to take confeſſion of judgment.

And be it further enacted by the authority aforeſaid, That any one Juſtice of the Peace ſhall have full power, and they are hereby reſpectively authorized and empowered to take and accept a confeſſion and acknowledgment of any debt, from a debtor to his creditor, either upon or without an antecedent proceſs, as the parties ſhall agree:---Which confeſſion ſhall be made only by the debtor himſelf in perſon:---And of ſuch confeſſion, ſo made, the Juſtice ſhall make a record, and ſhall grant out execution thereon in due form of law.

not exceeding 200l.

Provided no confeſſion ſhall be made or taken in manner aforeſaid, for more than the value of two hundred pounds debt, together with coſts. And if any debtor ſhall tender ſuch confeſſion to a creditor, and the creditor ſhall refuſe it, he ſhall loſe any coſts that he ſhall, after ſuch tender, be at in procuring judgment for his debt, unleſs it appear that ſuch tender was not for the whole ſum due.

XII. This act, &c not to be in force until printed.

And be it further enacted by the authority aforeſaid, That this act, and an act for defining and limiting the powers of the ſeveral courts within this State, an act adopting the common and Statute Law of England, and an act eſtabliſhing the conſtitution of Vermont, and ſecuring the privileges of the people: Shall not be in force until the ſame are printed and promulgated: And that immediately thereafter, all acts, and parts of acts of the legiſlature of this State, which ſhall interfere with, or contradict, or be rendered unneceſſary by ſaid acts, or either of them, ſhall be null and void.

Paſſed October 15, 1782.

AN ACT for collecting and paying of RATES.

BE it Enacted and it is hereby enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the

the Authority of the ſame, That every inhabitant of this State, except ſuch as are or ſhall be by law exempted, ſhall contribute to public charges, and ſhall be compelled therto, (if need be) by diſtreſs, to be levied and collected in ſuch manner as is or ſhall by law be provided.

All inhabitants to contribute to public charge.

And all rates and taxes which ſhall be granted by the General Aſſembly, and all other rates or taxes of counties, towns, ſocieties, or other communities which are or by law ſhall be enabled to grant taxes, ſhall be made by the ſame rule; that is to ſay in proportion to the general liſt of polls and rateable eſtate, from time to time given in, and made according to law; except where another rule of granting and levying rates, taxes or aſſeſſments is or ſhall be by law provided, in any particular caſe or caſes.

All rates to be made by one rule.

That whenever the General Aſſembly ſhall grant any rate or tax, to be levied upon the inhabitants of this State, the Treaſurer of the State for the time being, is hereby authoriſed and required (without any further notice or order to him given) to ſend forth his warrant, in the name of the freemen of this State, directed to the reſpective conſtables choſen in the reſpective towns in this State, commanding them to levy and collect ſuch public rates or taxes, ſo granted, and pay them to the Treaſurer, by the time allotted for that purpoſe, by the Aſſembly granting the ſame. And immediately after receiving from the Selectmen of their reſpective towns an aſſeſſment of the tax, by the ſaid conſtables to be collected, upon the polls and rateable eſtate of the ſeveral perſons liable to pay ſaid tax, (which ſaid Selectmen are hereby authorized and required to make and deliver to the conſtables, without delay) ſuch conſtables ſhall immediately give notice to each inhabitant of his reſpective town, of the amount of his or her rates and taxes, and of the time and place the ſaid conſtable will attend to receive them: Which warning every perſon is to obſerve and attend for the payment of ſuch rates; and upon neglect thereof the ſaid Conſtables are hereby impowered and required to diſtrain the goods and chattels of ſuch perſons neglecting, for their rates not paid, with one penny on the ſhilling for their trouble, and their lawful fees for travel, and all other neceſſary charges: And if no goods or chattles can be found, or ſhall be tendered, the officer ſhall attach the body of ſuch perſon, and him or her convey to the county priſon, there to remain until ſuch rates or taxes, and lawful coſts, be paid. And in caſe of the perſon's abſence, and for want of goods and chattels, the officer ſhall levy on and (after three weeks notice given in the Vermont Gazette, if the ſame be printed, or in default thereof in the Connecticut Courant or the Maſſachuſetts Gazette, and in the town where the land lies and in two adjacent towns) may ſell ſo much of ſuch perſon's land, at Public Vendue, as will be ſufficient to pay ſaid rates and all coſts and charges:—And the ſaid warrant being recorded in the town clerk's office, where ſuch land ſo ſold ſhall lye, ſhall be good evidence of a title to the purchaſer his heirs and aſſigns.

The Treaſurer to iſſue his warrants to the ſeveral conſtables to collect rates, &c.

The Selectmen to make an aſſeſſment, &c.

Conſtables to notify the inhabitants what they are rated, &c. and upon their neglect to diſtrain.

If no goods or chattles to attach the body.

And in caſe of abſence to levy on land.

And ſell the ſame.

Provided always, That the owner or owners of land, ſo ſold for payment of taxes, ſhall have right to redeem the ſame, at any time within three months after any ſuch ſale ſhall be made, by tendering to the purchaſer, his heirs, executors, or adminiſtrators, the full ſum paid by ſuch purchaſer

Subject to a right of redemption.

the

for the ſame, with the legal intereſt thereof: And the receipt of ſuch purchaſer, his heirs, executors, or adminiſtrators, or the proof of the tendering ſuch ſum as above, and intereſt, made by two witneſſes, before any Juſtice of the Peace (the party claiming the land under ſuch ſale having been notified to attend) being entered on the record of the town where ſuch land lies, ſhall be full evidence of the title to ſaid land being reveſted in the perſon who owned ſuch land previous to ſuch ſale: any thing herein before contained to the contrary notwithſtanding.

II. Goods diſtrained to be kept four days.

And be it enacted by the authority aforeſaid, That when any Conſtable in this State ſhall take goods or chattels by diſtreſs, for payment of his rates, he ſhall keep ſuch goods the ſpace of four days at the coſt and charge of the owner: and if the ſaid owner do not pay the ſum of money, ſo aſſeſſed upon him, and coſts, within the ſaid four days, then the ſaid diſtreſs ſhall be openly ſold, at an outcry, by the ſaid Conſtable, for payment of the ſaid money and coſts, (notice of ſuch ſale being poſted up in ſome public place in the ſame town, ſix days before hand):—And the overplus coming by the ſaid ſale, if any be, after deducting the charges of taking, keeping, and ſelling the ſaid diſtreſs, to be immediately reſtored to the owner.

Six days notice of ſale to be given

III. Proceedings againſt delinquent conſtables.

And be it further enacted by the authority aforeſaid, That if any ſuch conſtable ſhall neglect to collect and pay in ſuch tax to the Treaſurer, by the time limitted in his warrant; then the Treaſurer aforeſaid, ſhall in like manner iſſue his warrant to the Sheriff of the county where ſuch delinquent conſtable ſhall live, requiring him to levy ſuch rate or tax, or the ſum remaining due thereof, of the goods, chattels and eſtate of the conſtable ſo neglecting: And every Sheriff to whom ſuch warrant ſhall be directed, is hereby required forthwith to ſerve the ſame in any county in this State, upon the goods or eſtate of ſuch conſtable, in like manner as the conſtables are herein directed to ſerve their warrants (giving fourteen days notice of the ſale of ſuch conſtable's eſtate): and to pay ſuch tax, ſo diſtrained from ſuch conſtable, to the Treaſurer; returning the overplus, if any be, to the conſtable, after deducting the like coſts as in caſe of executions.

IV. Conſtables power out of their precincts.

And be it further enacted by the authority aforeſaid, That all conſtables duly authorized to collect the public tax, and every of them, ſhall have the ſame power and authority in any of the towns and diſtricts in this State, as ſaid officers have in their own precincts, to gather and collect the reſpective rates from any perſon or perſons, whoſe polls or eſtates are in their liſt: and ſhall be allowed four pence per mile for their travel: and alſo ſhall and may collect and gather ſuch rates and taxes, or what ſhall be due thereof, at any time after their reſpective years ſhall be up, as well as before.

And after their year is out.

If removed by death before the rate be collected the executors to be reſponſible.

And if it ſhall ſo happen that any ſuch Conſtable, after his year be up, and before he hath collected the whole of the rate he is appointed to collect, ſhall die, then the executors or adminiſtrators of ſuch deceaſed Conſtable ſhall have the ſame power and authority to collect any and every part of the rate, not paid to the ſaid Conſtable in his life time, as the ſaid Conſtable had when alive: and ſhall be collector, in the room of the deceaſed

ceaſed for gathering the remainder of ſuch rate: And all executors and adminiſtrators of conſtables or collectors ſhall be reſponſible for the rates, as the conſtables and collectors by law are.

Conſtables or Collectors dying, new ones to be choſen.

But if any ſuch conſtable or collector ſhall die, or remove out of the town whereof he is Conſtable or Collector, before his year be up, and the rate not fully collected, that then every town wherein ſuch caſe ſhall happen, is hereby directed to proceed forthwith to the choice of a new conſtable or collector, for the gathering the remaining part of ſuch rate.

Conſtables proving inſolvent, the ſelectmen to pay the rate.

And when and ſo often as it ſhall happen that any conſtable, choſen by any town to collect the State taxes, ſhall prove inſolvent, or ſhall not be able to pay the State tax, or any part or parcel thereof, in his hands: In ſuch caſe the Treaſurer of the State is directed and impowered to iſſue his warrant, directed to the Sheriff of the ſame county, requiring him to levy and collect of the Selectmen, or any one of them, of that town in which ſuch inſolvent conſtable is choſen as aforeſaid, ſuch rate, or part thereof, as ſhall then be in the hands of ſuch inſolvent conſtable: Which Sheriff ſhall pay what he ſhall ſo levy of ſuch Selectman or Selectmen, to the Treaſurer as aforeſaid.

Which they are to aſſeſs on the town.

And the Selectmen of ſuch town are hereby empowered to aſſeſs a tax or rate upon the inhabitants of the ſaid town, according to the liſt of the polls and rateable eſtate therein, that ſhall be ſufficient for the payment of ſuch ſum or ſums of money as ſhall be levied by the Sheriff, of ſuch Selectmen as aforeſaid, with the charges ariſing thereupon. And any Juſtice of the Peace, is hereby authorized and required to grant a warrant to ſome meet perſon to collect the ſame, who ſhall for that purpoſe be inveſted with all ſuch power as is herein given to the conſtables for collecting State taxes. And the ſaid Selectmen ſhall account with the Selectmen next to be choſen in any ſuch town, or with any other perſon or perſons that may be appointed by the ſaid town for that end, reſpecting the ſaid tax by them aſſeſſed as aforeſaid.

Selectmen to be accountable, &c.

V.
When rates made by towns &c. they to chooſe collectors.

Be it further Enacted by the Authority aforeſaid, That whenſoever any town, ſociety or other community, which by law is or ſhall be enabled and authorized to grant and levy any rate or tax for the anſwering or defraying their neceſſary charges and expence, ſhall, in any of their lawful meetings, agree upon and grant a rate or tax to be levied on and collected of themſelves, for any of the purpoſes for which by law they are or ſhall be impowered, to grant ſuch rate or tax; they ſhall chuſe ſome meet perſon or perſons to be collector or collectors of ſuch rate or tax, and take proper care that ſuch rate be accordingly made for the juſt aſſeſſment of the ſeveral perſons taxed, and deliver the ſame to ſuch collector or collectors.

Who ſhall have a warrant from a Juſtice.

And upon application made to ſome Juſtice of the Peace, ſuch Juſtice is hereby authoriſed and directed to grant a warrant for the collecting ſuch rate or tax: Which warrant ſhall be directed to the collector or collectors appointed to gather the ſame, requiring and impowering him or them to collect ſuch rate or tax according to the grant made thereof as aforeſaid.

Collectors authority in gathering rates.

And all Collectors authorized and impowered to gather and collect any rates or taxes whatſoever, duly laid and aſſeſſed on any of the inhabitants of this State, or others, ſhall have equal power and authority in gathering the rates reſpectively committed to them, as is or ſhall by law be given to the ſeveral conſtables, in the collection of State taxes, according to ſuch lawful warrant as ſhall be given them: And ſhall have the ſame power and authority to command the aſſiſtance of any perſon or perſons in the execut on of their office (when need ſhall require) as is by law given to Sheriffs and Conſtables, in the execution of their offices, and all perſons are hereby required to yield due obedience to them, and immediately to afford their aſſiſtance, on the ſame penalties as are provided by law for enforcing obedience to the commands of Sheriffs and conſtables.

Proviſo.

Provided ſuch collectors ſhew and read their warrant or authority to the perſons whoſe aſſiſtance ſhall be commanded.

Collectors to pay according to their warrants. And to be accountable for Rates,

to Selectmen & Committees. Thei remedy againſt Collectors.

And all Collectors of rates ſhall gather and pay the rates to them committed to be collected, by ſuch time and to ſuch perſons as they ſhall be directed in their reſpective warrants. And in caſe any collector or collectors ſhall not perform the truſt committed unto him or them according to law; He or they ſhall be accountable for ſuch rate, or ſuch arrears thereof, ſo by him or them neglected to be gathered and paid as aforeſaid, to the Selectmen of the town, or a committee of the ſociety or other community granting ſaid tax; who are hereby empowered to demand ſuch arrearages from ſuch collectors: And on failure of payment, to take out a warrant from any Juſtice of the Peace directed to any of the conſtables to diſtrain the ſums or rates neglected to be collected and paid by ſuch collectors, out of the eſtate of the ſaid Collectors ſo neglecting.

Paſſed October 16, 1782.

An ACT to reſtrain the taking of exceſſive USURY.

I. BE it Enacted, and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the authority of the ſame, That no perſon or perſons whatſoever, upon any contract hereafter to be made, ſhall take, directly or indirectly, for loan of any monies, wares, merchandizes, or other commodities whatſoever, more than the value of ſix pounds for the forbearance of one hundred pounds for a year; and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time: And that all bonds, contracts, mortgages, and aſſurances whatſoever, hereafter to be made, for the payment of any principal or money lent, or covenanted to be lent, upon or for uſury, whereupon or whereby there ſhall be reſerved or taken, more than the rate of ſix pounds on the hundred as aforeſaid, ſhall be utterly void.

Six per cent for loan of Money. Bonds, &c void where more is taken.

Perſons making oppreſſive contracts above 6l. in the 100 to forfeit double the value.

And any perſon whatever who ſhall, upon any contract, take, accept, or receive by ways or means of any corrupt bargain, loan, exchange; or by covin, or deceitful conveyance, or by any other ways or means whatever, for the forbearing or giving day of payment for one whole year, of and for their monies, or other thing or things, above the ſum of

ſix

ſix pounds, for the forbearing of one hundred pounds for a year; and ſo after that rate for a greater or leſſer ſum, or for a longer or ſhorter time; ſhall forfeit and pay, for every ſuch offence, the full value of the goods and monies, or other thing ſo lent, exchanged, bargained, ſold, or agreed for; one moiety thereof to the public Treaſurer of this State, the other moiety to the informer that ſhall ſue for and proſecute the ſame to effect.

Proviſo.

Provided nevertheleſs, That nothing in this act ſhall extend to the letting of cattle, or other uſages of the like nature in practice among farmers, or maritime contracts, bottomry, or courſe of exchange, as hath been heretofore and ſtill is accuſtomed.

The Defendant may file his bill in equity againſt the plaintiff.

And when the defendant in any action at law on ſuch bond, bill, mortgage, note or other inſtrument, ſhall ſuppoſe no ſufficient evidence in law can be produced, of the uſury therein contained, it ſhall be lawful for the defendant in ſuch action, to inform the court before which ſuch action is brought, by filing his bill in equity with the clerk of ſuch court, on the ſecond day of the Court's ſitting, that ſuch bond, bill, mortgage, note or other inſtrument is uſurious and oppreſſive: And the court ſhall proceed to examine the parties on oath, or in any other way proper for a court of equity. And if the plaintiff ſhall refuſe to be examined on oath, he ſhall be non-ſuit, and the defendant ſhall recover his coſts.

The Court to adjuſt the ſame in equity.

And if, on trial, the court ſhall find ſuch bond, bill, note, mortgage, or other inſtrument uſurious and oppreſſive, they ſhall adjuſt the ſame in equity, and ſhall give judgment that the plaintiff ſhall recover no more than the juſt value of the goods, &c. ſold, or than the principal ſum which the defendant received of the Plaintiff, without any intereſt or advance thereupon.

Proviſo.

Provided, That nothing in this act ſhall be conſtrued to prevent any perſon from proceeding on full evidence, againſt exceſſive uſury, and uſurious contracts, either in defending or recovering thereon, as is before in this act provided.

An ACT directing the laying out of HIGHWAYS.

Paſſed October 21, 1782.

Preamble.

WHEREAS it is frequently found neceſſary to lay out new HIGHWAYS, and to alter ſuch as have been before laid, the better to accommodate the Public: Therefore,

I.

BE it Enacted and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame, That where a new highway, or common road from town to town, or place to place, ſhall be found neceſſary; and where old highways may with more convenience be turned or altered, upon any perſon or perſons making application, the Selectmen of the town where ſuch highway or common road is wanted, be, and they are hereby empowered, by themſelves or others whom they ſhall appoint, to lay out or cauſe to be laid out, ſuch road, and likewiſe private roads for ſuch

The Selectmen impowered to lay out new, and alter old roads.

Proceedings when ſelectmen and parties do not agree.

ſuch town only where it ſhall be found neceſſary; ſo that no damage be done to any perſon or perſons through whoſe land ſuch road ſhall be laid, without due recompence from the town, as the Selectmen and the parties intereſted may agree: And if they ſhall not agree on the recompence to be made, the Selectmen, before they open ſuch road, ſhall tender to the owner or owners of ſuch land, ſo much money as they the Selectmen ſhall judge a meet recompence for the damage done by laying ſuch road: And if the owner or owners ſhall not be ſatisfied with what the Selectmen tender by way of recompence, the owner or owners of ſuch land may apply to one counſellor or juſtice of the peace, who is hereby empowered to grant a ſummons to the Sheriff of the county, or conſtable of ſuch town, to cauſe to appear before him, not more than ſeven nor leſs than three freeholders; who, being ſworn, ſhall appraiſe the aforeſaid damages: And ſuch Councillor or Juſtice, ſhall make final order thereon: And if it be found there were no juſt grounds of complaint, the complainant ſhall pay all charges ariſing thereby.

Penalty for freeholders refuſing to ſerve.

And if any perſon being ſummoned to ſerve as aforeſaid, ſhall refuſe or neglect to attend, he ſhall forfeit and pay to the Treaſurer of the town where ſuch perſon dwells, ſix ſhillings, to be recovered by bill, plaint or information.

What a lawful highway.

Always provided, that no highway in future ſhall be deemed a lawful highway, unleſs ſurveyed by chain and compaſs, and a ſurvey thereof made out, entered and recorded in the town-clerk's office of the town where ſuch road lies, aſcertaining the breadth, courſe and diſtance of ſuch road.

Allowance land to be ſet over in lieu of damages.

Further provided, That where there ſhall be ſufficient allowance land, in, or adjoining, any lot through which ſuch road ſhall be laid, the owner ſhall not be entitled to any damages; but ſuch allowance land ſhall be ſet over by the ſame ſurvey bill as aforeſaid, to the owner of ſuch lot in lieu of damages.

II. Proceedings when ſelectmen refuſe to lay out a road.

And be it further Enacted by the Authority aforeſaid, That if, on application by three or more freeholders of the town or vicinity, where ſuch road is wanted to be laid out turned or altered, the Selectmen ſhall refuſe or neglect to lay out, turn or alter ſuch road; in that caſe it ſhall be lawful for thoſe who ſhall think themſelves aggrieved by ſuch refuſal or neglect, to apply to the County Court by petition, for the laying out, turning, or altering of ſuch road as aforeſaid: Which petition ſhall be ſigned by three or more Freeholders of the ſame town or vicinity as aforeſaid; and ſhall, together with a citation to appear and ſhew cauſe why ſaid petition ſhould not be granted, be ſerved on one or more of the Selectmen of ſuch town, at leaſt twelve days before the ſitting of the court: And the County Court ſhall have power to appoint a committee of three indifferent Freeholders from the adjoining towns, who ſhall view the premiſes; and if they ſhall find it neceſſary for the better accommodation of the public as well as individuals, to lay out a new road, or turn or alter one already laid out, according to the nature of the caſe as ſet forth in ſaid petition, they ſhall proceed to ſurvey the ſame, as is in this act above directed: And where there is not ſufficient allowance land as aforeſaid, ſhall aſſeſs the damages done to the property of any land own-

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er thereby, and return their doings to ſaid court: And the ſaid court, unleſs ſufficient cauſe can be ſhewn to the contrary, ſhall eſtabliſh ſuch road, as laid by the aforeſaid committee, and make order to the Selectmen for the payment of the damages aſſeſſed as aforeſaid, together with the attending coſts and charges, out of the town treaſury of ſuch town: And if cauſe be ſhewn to the contrary, that the petition be not granted, then and in ſuch caſe the perſons applying ſhall pay coſts and charges.

III. Where there is allowance land it ſhall be ſet over.

And be it further Enacted by the Authority aforeſaid, That where the aforeſaid Committee ſhall find ſufficient allowance land in, or adjoining, any lot through which ſuch road ſhall be laid, the ſame ſhall be ſet over, as is in this act above directed.

An ACT preſcribing and eſtabliſhing forms of OATHS in this STATE.

Paſſed Oct. 21ſt, 1782.

BE it Enacted, and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame, That the ſeveral forms of oaths here following, be and they are hereby, eſtabliſhed to be taken by, and adminiſtered unto, the ſeveral and reſpective officers and perſons for whom they are appointed, as followeth.

For the Grand Jurors attending the Supreme Court, viz.

Grand Juror's Oath.

YOU do ſwear by the name of the Everliving God, that you will diligently enquire after, and true preſentment make, of all breaches of law that ſhall come to your knowledge, according to your charge (unleſs ſome religious tie of conſcience, ſurely bottomed upon the Word of God, bind you to ſecrecy): The Counſel of the State, your own counſel, and your fellows, you will keep ſecret: You will preſent no man for envy, hatred or malice; neither will you leave any man unpreſented for love, fear, favor or affection, or in hope of reward: But you will preſent things truly, as they come to your knowledge, according to the beſt of your underſtanding, and according to the laws of this State. So help you GOD.

For the PETIT JURORS, viz.

Petit Juror's Oath in State Cauſes.

YOU ſwear by the everliving God, that without reſpect of perſon, or favor of any man, you ſhall well and truly try, and true deliverance make, between the Freemen of the State of Vermont, and the priſoner at the bar whom you ſhall have in charge, according to your evidence, and the laws of this State. So help you GOD.

For the JURORS in Civil Caſes, viz.

Juror's Oath in Civil Caſes.

YOU ſwear that you will truly try the iſſue or iſſues now to be given you in charge, between the plaintiff and defendant, or plaintiffs and defendants, according to the evidence given you in court, and the laws of this State, and accordingly a true verdict give: Your own counſel and your fellows you ſhall duly obſerve and keep: You ſhall ſpeak nothing to any one of the buſineſs and matters you have in hand, but as

mong yourſelves; nor ſhall you ſuffer any to ſpeak unto you about the ſame, but in court, And when you are agreed of any verdict, you ſhall keep it ſecret till you deliver it up in court. So help you GOD.

For WITNESSES, viz.

Witneſſes Oath. YOU ſwear that the evidence you ſhall give to this court, concerning the caſe now in queſtion, ſhall be the truth, the whole truth, and nothing but the truth. So help you GOD.

For the JURY of INQUEST, viz.

Oath of Jury of Inqueſt. YOU ſwear that you will diligently enquire, and true preſentment make, how, and in what manner, A. B. (here lying dead) came to his death: And you ſhall deliver up to ſome near Councillor, or Juſtice of the Peace, a true verdict thereof, according to ſuch evidence as ſhall be given you, and according to your knowledge. So help you GOD.

For APPRAISERS of LANDS, viz.

Oath of Appraiſers of Land YOU being appointed to appraiſe ſuch lands as are to be now preſented to you; do ſwear, that all partiality, prejudice, and other ſiniſter reſpects laid aſide, you will appraiſe the ſaid lands according to the preſent true and juſt value thereof in money, to the Creditor or Creditors, who are to receive the ſame: And that you will do therein according to your beſt judgment and conſcience. So help you GOD.

For APPRAISERS of deceaſed Perſons ESTATES, viz.

Oath of Appraiſers of deceaſed perſons eſtates. YOU A. B. do ſwear, that all partiality, prejudice and ſiniſter reſpects laid aſide, you will appraiſe all ſuch eſtate, both real and perſonal, of C. D. late of deceaſed, as ſhall be offered unto you, according to the preſent true and juſt value thereof in money, by your beſt judgment and conſcience. So help you GOD.

For DISTRIBUTORS of ESTATES, viz.

Oath of Diſtributors of eſtates. YOU ſwear that you will, according to your beſt judgment and diſcretion, faithfully and equally divide the eſtate of A. B. according to the Order of Court now given you. So help you GOD.

For CHAINMEN aſſiſting the COUNTY SURVEYOR, viz.

Oath of Chainmen. YOU A. B. and C. D. being deſired to aſſiſt F. G. Surveyor, in carrying the chain, do ſwear by the ever living GOD, that you will faithfully aſſiſt the ſaid Surveyor in his ſervice: And that you will keep a true account of all lines, or meaſures, by you taken, and the ſame give up to ſaid Surveyor at his deſire, according to your beſt ſkill and ability. So help you GOD.

For the COMMITTEE to lay out, or alter HIGHWAYS, viz.

Oath of Committee to lay out Highways. YOU ſwear by the name of the everliving God, that you will lay out the way mentioned in the precept by which you are now ſummoned, according to the beſt of your ſkill and judgment, with moſt convenience

to

to the public, and leaſt prejudice to any particular perſon or perſons: And that you will make a juſt eſtimation of the damages done to the property of any particular perſon or perſons by your laying ſaid way, according to your beſt judgment. So help you GOD.

For the JURY to enquire into Forcible Entry or Detainer, viz.

YOU ſwear by the name of the ever-living God, that you will well and truly enquire of the forcible entry or forcible detainer, now complained of, and return a true verdict thereof, according to your own view, and the evidence given you in Court. So help you GOD.

Oath of Jury in caſe of forcible entry.

An ACT relating to AUDITORS and ACTIONS of ACCOUNT.

Paſſed 21ſt, October 1782.

FOR the better regulating ACTIONS of ACCOUNT, Be it Enacted, and it is hereby Enacted by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame. That when any defendant, in any action of account depending in any County or Supreme Court in this State, ſhall plead in his defence any plea (which being true he ought not to account) it ſhall be tried by a Jury: And in caſe verdict be found againſt him, the court ſhall enter up judgment againſt him that he ſhall account: And in ſuch caſe, and alſo where ſuch judgment ſhall be given on Confeſſion, the Court may appoint three able judicious and indifferent men, auditors in ſuch caſe; who ſhall be ſworn to hear, examine and adjuſt the account or accounts: And the auditors, appointed as aforeſaid, are hereby authorized and impowered to appoint a time and place for the hearing and adjuſting the accounts aforeſaid: And upon the defendant's refuſal (due notice being given him of the time and place appointed) to attend upon them, and produce his accounts, the auditors ſhall award to the plaintiff the whole of his demands: And upon the parties producing to them their accounts, the auditors ſhall have power to adminiſter an oath unto them to anſwer ſuch interrogatories as they ſhall think proper, reſpecting their accounts: And upon either of the parties refuſal to take ſuch oath, or to anſwer directly to ſuch interrogatories, it ſhall be in the power of the auditors to commit the party ſo refuſing to goal, there to remain, at his own charge, till he will account, or anſwer as aforeſaid.

Preamble; I.

Supreme and County Courts may appoint auditors.

Their duty,

And power.

And when the auditors have adjuſted the account, or awarded as aforeſaid, and returned the ſame to court (either at the ſame ſeſſions or the next) that final judgment ſhall be made up for the recovery of the ſum awarded, and coſts; together with ſuch reaſonable coſts for the ſervice of the auditors as the Court ſhall award; which ſhall be by the party in whoſe favor the cauſe is determined, then paid down to the auditors, and ſhall be allowed him in his bill of coſts.

Judgment to be rendered for the ſum awarded, and coſts.

That in all actions brought on book accounts, and depending before any county or ſupreme court, the like method may be taken in appointing auditors for the adjuſtment of accounts between the parties; and the Court

The like proceedings to be in actions on book accounts.

Court ſhall enter up judgment for the recovery of ſuch ſum or ſums as ſhall be found to be in arrear by either party, with additional coſts as aforeſaid; and no perſon ſhall be allowed his oath touching the merits of the cauſe in queſtion, until judgment to account ſhall be given in ſuch action, either after verdict or on confeſſion. And in all actions on book accounts the original books ſhall be produced in court, as well as before auditors appointed as aforeſaid: And no account ſhall be allowed upon the party's oath, unleſs ſuch original book be procured as aforeſaid, except it ſhall appear that the ſame was providentially loſt or deſtroyed: And no article of account on the plaintiff's book ſhall be allowed other than ſuch as ſhall be contained in a ſchedule annexed to the original writ, at the time of ſervice, and therewith returned.

The original book to be produced.

Copy of the Plaintiff's account to be annexed to the Writ.

Provided always, That the Plaintiff or Defendant not reſiding in this State, a ſworn copy of the original book of ſuch non reſident ſhall be allowed.

II. Be it further Enacted by the Authority aforeſaid, That Councillors and Juſtices of the Peace ſhall have the ſame power in actions of account, on book, as is in this act given to the County and Supreme Courts, except that they ſhall have no power to appoint auditors; but ſhall, after judgment that the defendant account, proceed in perſon to audit ſuch accounts.

Juſtices power to audit accounts.

Paſſed 22d Oct. 1782

An ACT for appointing and ſupporting SCHOOLS:

Preamble. For the due encouragement of Learning and the better regulating and ordering of SCHOOLS.

I. BE it Enacted and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont in General Aſſembly met, and by the Authority of the ſame, That each town in this State, which cannot conveniently be accommodated by one ſchool, ſhall have power, and they are hereby empowered, in any legal town meeting, by ſuch ways and means as they ſhall deviſe, to divide into ſo many diſtricts as they ſhall find convenient, and the ſame to alter from time to time: And each town ſhall appoint one or more meet perſon within each diſtrict, to continue until others ſhall be choſen, who, together with the Selectmen of the town, ſhall be truſtees of ſchools in ſuch town. And ſuch truſtees, or the major part of them, and their ſucceſſors, ſhall have power, and they are hereby authorized and impowered, to leaſe ſuch lands and real eſtates, and loan ſuch monies, as do or ſhall appertain to ſuch ſchools, or are or ſhall be given for the uſe aforeſaid: And to commence any ſuit or ſuits that may be neceſſary for the recovery and obtaining of ſuch lands, monies and other eſtates; and to take leaſes, bonds, and other ſecurities to themſelves and their ſucceſſors for the uſe of ſuch ſchools; and to ſue and recover thereon. And the Truſtees ſhall annually pay over the money ariſing from the leaſe of ſuch lands and other real eſtate, and loan of ſuch monies, to a committee of each diſtrict reſpectively, in proportion to the number or liſts: And all ſuch bonds, leaſes, and other ſecurities

Each town to divide into ſo many School diſtricts as convenient.

And appoint Truſtees:

Their power, and duty.

curities, ſhall by ſaid truſtees be lodged with the town clerk of the town, who is directed and required to keep an account thereof, and hold the ſame under the direction of ſaid truſtees for the purpoſe aforeſaid : And ſuch truſtees ſhall render an account of their doings, in reſpect to ſuch their truſt, to the town by whom they were appointed, when thereunto required.

Inhabitants of each diſtrict impowered to meet.

Committees power to raiſe money.

And the inhabitants within the ſeveral diſtricts, are impowered from time to time, to meet to tranſact the buſineſs of their reſpective diſtricts, to chuſe a moderator, diſtrict clerk, a collector of rates, and a committee of one or more perſons to take care of the prudential affairs of the diſtrict for which they are choſen. And the committees ſhall have power, and they are hereby impowered, in their ſeveral diſtricts, to raiſe one half the money that ſhall be neceſſary for building and repairing a ſchool houſe, and ſupporting a ſchool in their reſpective diſtricts, by a rate on the liſt of the polls and rateable eſtate of the inhabitants of ſuch diſtricts. And the ſeveral diſtricts are further impowered at any meeting warned for that purpoſe, to raiſe the other half of the money for the purpoſes aforeſaid, either by a tax on the liſt of the polls and rateable eſtate of the inhabitants of their reſpective diſtricts, or by ſubſcription in proportion to the number of children any perſon ſhall ſend, or ſubſcribe to ſend, to ſuch diſtrict ſchool. And in every of the above caſes, the committees ſhall make the whole into a rate bill, by a juſt eſtimation in money, according to the true intent and meaning of ſuch vote or ſubſcription as aforeſaid : And if the ſame ſhall not be paid by the time appointed, they ſhall deliver ſuch bill to their reſpective collectors, with a warrant to collect the ſame, ſigned by ſome councillor or juſtice of peace : And ſuch collectors ſhall have the ſame power in collecting diſtrict taxes, as the collectors of town-rates ; and ſhall be accountable to their reſpective committees for the ſum due on ſuch bill, and the diſtrict committees ſhall ſeverally have the ſame powers with reſpect to lands, or any other intereſt or eſtate, given, granted, or in any wiſe ſet apart for the uſe of ſchools in their reſpective diſtricts as are in this act given to truſtees of town ſchools ; and ſhall be in like manner accountable to their ſeveral diſtricts.

Diſtrict committees inveſted with the ſame power as town committees.

Judges of county courts to appoint truſtees of county ſchools.

And with the juſtices to lay a tax to build a ſchool houſe.

And the judges of the county courts, in their reſpective counties, ſhall have power to appoint truſtees of county ſchools ; who ſhall have the ſame powers in all matters relating to their truſt, as truſtees of town ſchools, and ſhall be in like manner accountable to the judges by whom they were reſpectively appointed. And ſaid judges, calling to their aſſiſtance the juſtices of peace in their ſeveral counties, ſhall have power to lay a tax on the ſame, for the purpoſe of building a county ſchool-houſe in each county : To be collected by a warrant from the County Treaſurer, in the ſame manner as State taxes are.

II.
Power given to truſtees, &c. to purchaſe & convey eſtates.
Truſtee, &c embezzling money, &c.
to be removed and ſued.

And be it further Enacted by the Authority aforeſaid, That all truſtees and committees of ſchools ſhall have full power to purchaſe any lands or other eſtate, and to ſell and alienate ſuch lands and eſtate, ſo by them purchaſed, for the uſe of their ſeveral ſchools, under the direction of the judges, town or diſtrict, by whom they were appointed. And if any truſtee or committee man, ſhall embezzle, miſapply or conceal any money or eſtate belonging to any town, county or diſtrict, for the uſe of ſchools as aforeſaid, he ſhall be liable to be removed, and to be ſued in

an action of account, by an agent or agents for that purpoſe appointed by the town, judges of county court, or diſtrict, by whom ſuch truſtee or committee man was appointed: And if it ſhall be found, on trial, that ſuch truſtee or committee man has imbezzled, miſapplied or concealed any money or other eſtate, as aforeſaid, judgment ſhall be rendered againſt him or them, for double the ſum ſo imbezzled, miſapplied or concealed: And ſuch action, proſecuted by order of the judges of the county court, ſhall be proſecuted and determined before the ſuperior court in their proper counties.

Proviſo. Provided alway, That this act ſhall not extend to any eſtate formerly granted by any perſon for the benefit of any particular ſchool or ſchools; nor to grants of any intereſt formerly made, by any perſon or particular town, for the uſe of ſchools, or for the uſe of any particular ſchool, wherein the grantor hath committed the truſt thereof to any particular perſon or perſons, with particular direction for a continual ſucceſſion in ſuch truſt. Any thing contained in this act to the contrary notwithſtanding.

Paſſed October 22, 1782.

An ACT for allowing and regulating OFFSETS. For preventing unneceſſary LAWSUITS.

1. BE it Enacted, and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame, That if the plaintiff in any action depending before any court, or juſtice of peace, on bond, bill, note or other contract, ſhall be indebted to the defendant in like manner, the defendant after pleading the general iſſue, or confeſſing the plaintiff's cauſe of action, may, by leave of the court, plead an offset of any ſum or ſums due to him from the plaintiff as aforeſaid: Which plea ſhall be in the nature of a declaration, in one or more counts, as the nature of the caſe may require; and ſhall conclude praying an offset of the ſame againſt the plaintiff's demand. To which plea the plaintiff may, by leave of the court, plead as many pleas as ſhall be neceſſary for anſwering the allegations therein contained: And if he ſhall plead the general iſſue to any or all the counts, or ſhall confeſs the cauſe of action contained in any or all the counts, in the defendant's plea, he may, by leave of the court, in like manner plead an offset of any ſum or ſums of money due to him from the defendant as aforeſaid: And the iſſues and pleadings being cloſed, the jury ſhall be directed to find generally, ſuch ſum or ſums as ſhall be in arrear to either party, and judgment ſhall be rendered accordingly.

The defendant may plead an offset.

The plaintiff may plead an offset to the defendant's plea.

The Jury to find generally the ſum due.

Proviſo. Provided always, That no ſum due on account not liquidated, nor any bond, bill, note or other contract, not due and payable before the commencement of the plaintiff's action, nor any note ſold and indorſed, or aſſigned, to the plaintiff or defendant (unleſs it ſhall appear on trial, by one evidence at leaſt, that the ſame was ſold and indorſed or aſſigned to ſuch plaintiff or defendant, before the commencement of the plaintiff's action, which in ſuch caſes ſhall be taken to be the day of ſerving the original writ in the cauſe) ſhall be allowed in any plea of offset: Any thing before in this act to the contrary hereof in any wiſe notwithſtanding.

An ACT directing Proceeding againſt FORCIBLE ENTRY and DETAINER.

Paſſed October 22, 1782.

I.

BE it Enacted, and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame, That upon complaint made to any one or more juſtices of the peace, of any forcible entry made into any houſe, lands or tenements, lying within the county where ſuch juſtice or juſtices reſide; or of any wrongful detainer of any houſes, lands or tenements, by force or ſtrong hand: That is to ſay, by or with ſuch violent words or actions as have a natural tendency to affright and terrify: Every ſuch juſtice or juſtices within convenient time, at the coſt of the party aggrieved, ſhall, (if need be) go to the place where the ſaid force is, taking with him or them the ſheriff of the county, if neceſſary, to aid and aſſiſt ſaid authority: And any of the people of the county, ſhall attend the ſaid juſtice or juſtices, to aſſiſt him or them to arreſt ſuch offenders (when thereunto called) upon pain of impriſonment for a term not exceeding one month, and of paying a fine of twenty ſhillings to the treaſury of the county. And that any two juſtices ſhall have authority to enquire by oath, of the people of the ſame county, as well of them that make ſuch forcible entry, as of them who hold and detain the ſame by force and ſtrong hand: And if it be found, on ſuch inquiry, that a forcible entry hath been made into houſes, lands or tenements, or that the ſame are held by force; then ſuch juſtices ſhall cauſe the ſame houſes, lands or tenements to be re-ſeized, and the party to be put into poſſeſſion thereof, who in ſuch manner was put or held out of the ſame.

On complaint made of a forcible entry.

The authority to go to the place where the force is, to arreſt the offenders.

Poſſe to attend if called.

Penalty for refuſing.

Enquiry to be made.

Party put out to have poſſeſſion delivered him.

And in ſuch caſes the ſaid Authority ſhall alſo tax a bill of coſt againſt ſuch perſons, as before them ſhall be convicted of forcible entry or detainer.

Coſts to be taxed againſt delinquents.

And in caſe the perſon complained of is found not guilty, coſts ſhall be taxed againſt the complainant and execution thereon granted accordingly.

On the Complainant.

And to the END that ENQUIRY may be made as aforeſaid,

II.

Be it Enacted by the Authority aforeſaid, That ſuch juſtices ſhall make out their warrant or precept, directed to the Sheriff, of the ſame county, or his deputy, commanding him in the name of the freemen of this State, to cauſe to come before them eighteen ſufficient and indifferent perſons, dwelling near unto the houſes, lands or tenements, ſo entered upon or held as aforeſaid, whereof fourteen at leaſt ſhall be ſworn well and truly to enquire of ſuch forcible entry or detainer, and to return a true verdict, according to law and evidence.

Jury to be ſummoned.

and ſworn.

And if the ſheriff ſhall make default in executing ſuch warrant or precept, to him directed, he ſhall be fined or amerſed the ſum of five pounds for every default.

Sheriff making default.

And

Fine for juror's default.

And every juror, legally ſummoned, making his default, by non-appearance, ſhall pay a fine of twenty ſhillings.

Caſes in which the ſheriff is prohibited acting.

That when it ſhall ſo happen, that the ſheriff is either a party, or ſtands in the relation of a father or ſon by nature or marriage, or of a brother in the like kind, uncle or nephew, landlord or tenant, to either of the parties: Either of the conſtables of the town, where the facts are ſaid to be done, not being intereſted, or related as aforeſaid, ſhall have, in thoſe caſes, all the powers and authority that the ſheriffs in this act are veſted with: And ſhall be under the ſame regulations, and in caſe of default liable to the ſame penalties.

Offenders may be fined & bound over.

And that any juſtices holding ſuch court of enquiry, may impoſe a fine on every ſuch offender, not exceeding twenty ſhillings; and demand bonds of ſuch offender or offenders for their good behaviour, until the next county court in that county, there to appear; and on ſuch offender's refuſing or neglecting to give ſuch bonds, they may commit ſuch offender to priſon, until he or they do comply with the judgment.

County Court may increaſe the fine

Where the fines payable.

And if the offence be aggravated by any open breach of peace, the county court may encreaſe the fine according to the aggravation or circumſtances of the offence. All fines ariſing by virtue of this act, to be to and for the uſe of the county treaſury.

Treble damages and coſts to be recovered by action of treſpaſs.

And the party aggrieved ſhall recover treble damages and coſts of ſuit, by action of treſpaſs, againſt the offender or offenders, if it be found by verdict, or in any other manner by due form of law, that he or they entered into his houſe, lands or tenements by force.

Proviſo.

Provided always, That this act ſhall not extend to any perſon or perſons who have had the occupation of any houſes, lands or tenements for the ſpace of three whole years next before the entering of ſuch complaint: Any thing to the contrary in this act notwithſtanding.

III. Proceedings when poſſeſſion is detained without force.

And be it further Enacted by the Authority aforeſaid, That whenever any perſon ſhall wilfully and without force, hold over any lands, houſes, or tenements, after the determination of the time for which they were demiſed or let to him, or to the perſon under whom he claims, and after demand made in writing for the delivery of the poſſeſſion thereof, by the perſon having right to the poſſeſſion thereof, his agent or attorney, or whenever a leſſee at will, or perſon in poſſeſſion by abatement, intruſion, diſſeiſin, or deforcement, after ſuch demand as aforeſaid, ſhall refuſe or neglect to put the poſſeſſion of the premiſes; upon complaint made thereof in writing, and under oath, to two or more juſtices of the peace, reſiding in the county where the premiſes do lie, the ſaid juſtices ſhall ſummon the party complained of, and proceed to hear try and determine the ſame, in like manner as in caſes of forcible entry or detainer.

And if the ſaid juſtices ſhall, upon hearing the ſaid complaint, find the ſame to be true, by the verdict of the jury, they ſhall make a record thereof, and ſhall award the poſſeſſion to the party to whom it of right belongs, and reaſonable coſts of ſuit; and ſhall iſſue their writ to cauſe him

him to be put into poſſeſſion accordingly, and an execution for the coſts recovered.

IV. The complainer entitled to an action for treble damages and coſts, &c.

And be it further Enacted by the Authority aforeſaid, That after ſuch record made by the juſtices as aforeſaid, the ſaid complainer, in an action upon the caſe by him to be brought for that purpoſe, ſhall not only recover a reaſonable ſatisfaction for the uſe and occupation of ſuch land, houſe, or tenement, to the time when the notice in writing to depart the premiſes was given, but from ſuch time to the time of his actual leaving the premiſes, ſhall recover treble damages and coſts.

An Appeal granted.

Provided that whenever either party ſhall think himſelf aggrieved in the execution of this act, he ſhall be allowed an appeal to the next county court, of the county where the premiſes do lie, giving ſecurity as by law is directed.

An ACT preſcribing forms of WRITS in civil Cauſes. Paſſed Octo 22, 1782.

BE it Enacted, and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame, That the forms of writs, in civil actions, in the ſeveral courts of juſtice in this State, ſhall, after the publication hereof, as near as circumſtances will admit, be as follows, viz.

An ATTACHMENT.

Attachment.

To the Sheriff of County, his Deputy, or either of the Conſtables of in ſaid County, Greeting.

IN the Name and by the Authority of the Freemen of the State of Vermont you are hereby required to attach the Goods, Chattels or Eſtate of A. B. of to the Value of Pounds Lawful Money, and him notify thereof according to Law: And for want thereof to take h Bod (if to be found within your Precinct) and h ſafely keep ſo that you have h before (here inſert the Name or Stile of the Magiſtrate or Court before which it is returnable, and the Time and Place of the Court's ſitting) then and there to anſwer unto C. D. of (here take in the Declaration.)

To the Damage of the Plaintiff, as he ſa the Sum of Pounds: For the recovery whereof, with juſt Coſts, the Plaintiff brings this Suit; (Bonds for Proſecution being firſt given) (if the Law ſo directs.) Hereof fail not, but of this Writ, and your Doings herein, make due Return according to Law. Dated at the Day of Anno Domini 17

E. F. recognized in l. to the Defendant, as Surety for Coſts of Proſecution in due form of Law.
Before me

SUMMONS.

Summons. To the Sheriff of County, his Deputy, or either of the Conſtables of in ſaid County, Greeting.

IN the Name, and by the Authority of the Freemen of the State of Vermont, you are hereby required to ſummon A. B. of to appear before (here inſert the Name or Stile of the Magiſtrate or Court before which it is returnable, and the Time and Place of the Court's ſitting) then and there to anſwer unto C. D. of (here take in the Declaration) to the Damage of the Plaintiff as he ſa the Sum of Pounds: For the recovery whereof, with juſt Coſts, the Plaintiff brings this Suit (Bond for Proſecution being firſt given) (if the Law ſo directs.) Hereof fail not, but of this Writ, with your Doings herein, make due return according to law.

Dated at the Day of Anno Domini, 17

If Bond for Proſecution is given, the like Minute is to be made of it as in caſe of an attachment.

EXECUTION.

Execution. To the Sheriff of County, his Deputy, or either of the Conſtables of in ſaid County, Greeting.

WHEREAS C. D. of on the Day of by the Conſideration of at recovered Judgment againſt A. B. of for the Sum of Pounds Shillings Pence, Debt (or Damages if the caſe be ſo) and Pounds, Shillings, and Pence Coſts of Suit, as appears of Record: Whereof Execution remains to be done.

THESE are therefore in the Name, and by the Authority of the Freemen of the State of Vermont, to command you, That of the Goods, Chattels or Lands of the ſaid A. B. within your Precincts, you cauſe to be levied (and the ſame being diſpoſed of as the Law directs) paid and ſatisfied unto the ſaid C. D. the aforeſaid Sums, being in the whole, with more for this Writ, and thereof alſo to ſatisfy yourſelf for your own Fees. And for want of Goods or Chattels of the ſaid A. B. to be by him ſhewn unto you, or found within your Precincts, to the acceptance of the ſaid C. D. for the ſatisfying the aforeſaid Sums, you are commanded to take the Body of the ſaid A. B. and him commit to the Keeper of the Goal in in the County aforeſaid, within the ſaid Priſon, who is hereby commanded to receive the ſaid A. B. and him ſafely keep until he pay the full Sums above mentioned, with your Fees, or that he be diſcharged by the ſaid C. D. or otherwiſe by order of Law. Hereof fail not, and make due Return to me according to Law, within ſixty Days from this Date.

Dated at the Day of Anno Domini 17

SUBPOENA ad TESTIFICANDUM.

Subpœna. To Greeting.

IN the Name, and by the Authority of the Freemen of the State of Vermont, you are hereby required to ſummon A. B. C. and D. of

to

appear before (the Name or Stile of the Justice or Court, and Time and Place of sitting) to give Evidence in an Action of Debt (or the Case or Trespass as the Case shall be) then and there to be tried, between G. H. Plaintiff and I. K. Defendant. And this neither of them may omit, under the Pains and Penalties in such Case directed by Law.

Dated at the Day of Anno Domini 17

WRIT of REPLEVIN.

To the Sheriff of County, his Deputy, or either of the Constables of in said County, Greeting. Replevin.

IN the Name, and by the Authority of the Freemen of the State of Vermont, you are hereby required to cause to be replevied to A. B. of (the Articles) now distrained or impounded, by E. F. of and by him unjustly detained (as it is said;) and deliver the said (the articles) unto the said A. B. And summon the said E. F. to appear before (the Name of the Magistrate, or Stile of the Court, and Time and Place of it's sitting) then and there to answer unto the said A. B. in a Plea of Replevin; for that the said E. F. on the Day of at aforesaid took (the articles) and them unjustly detained at aforesaid, against Pledges and Sureties, until this Time, to the Damage of the Plaintiff Pounds lawful Money: And therefor with just Costs he brings this Suit (the Plaintiff having given sufficient Surety to prosecute this Action to effect, and make return of the said Goods, if a return thereof shall be awarded.) Hereof fail not but make due return of this Writ, with your Doings thereon, according to Law. Dated at the Day of Anno Domini 17

Declaration.

B. S. recognized in due form in I, before me,

WRIT of EJECTMENT.

To the Sheriff of County, his Deputy, or either of the Constables of in said County, Greeting. Ejectment.

IN the Name and by the Authority of the Freemen of the State of Vermont, you are hereby required to summon A. B. of (the casual Ejector) to appear at the County Court to be held at in and for the County of on the Tuesday in then and there to answer unto C. D. of in a Plea of Trespass and ejectment, wherein the Plaintiff complains that E F. of (the Lessor of the Plaintiff) on the Day of Anno Domini at aforesaid, had demised, granted, and to farm letten to the Plaintiff Messuage Garden Acres of arable Land, &c. (describing the Land) with the Appurtenances, situate and being at aforesaid, and now, or late in the tenure or occupation of G. H. of (the Tenant in Possession) or his Assigns. To have and to hold the said Messuage and Tenements, with the Appurtenances, to the said E. F. and his Assigns, from the Day of then last past, to the full End and Term of Years, from thence next ensuing, and fully to be compleat and ended. By virtue of which Demise the said Plaintiff entered into the Tenements aforesaid, with the Appurtenances, and was thereof possessed, until the aforesaid A. B. afterwards, to wit: on the Day of Anno Domini 17, with force and arms, entered into the

Declaration.

the tenements aforeſaid, with the appurtenances (in and upon the poſſeſſion of the plaintiff) and ejected, expelled and amoved the plaintiff from his ſaid farm: (his ſaid term not being yet ended) and kept out, and ſtill keeps out the plaintiff from his poſſeſſion aforeſaid: And then and there did other injuries to the plaintiff, againſt the peace and to the damage of the plaintiff pounds, lawful money: And to recover the poſſeſſion of the ſaid premiſes, with the ſaid damages, and juſt coſts, the plaintiff brings this ſuit. Hereof fail not, and of your doings herein make due return according to law. Dated at the day of Anno Domini 17

Notice to be given to the Tenant in Poſſeſſion.

SIR, (The Date.)

Notice to the tenant in poſſeſſion.

I AM informed that you are in poſſeſſion of, or claim title to the premiſes in this declaration, or writ of ejectment, mentioned, or to ſome part thereof: And I being ſued in this action as a caſual ejector, and having no claim or title to the ſaid premiſes, do adviſe you to appear at the County Court to be holden at in and for the county of on the Tueſday in by ſome attorney of that court, and then and there, by rule of the ſame court to cauſe yourſelf to be made defendant in my ſtead: Otherwiſe I ſhall ſuffer judgment to be entered againſt me, and you will be turned out of poſſeſſion.

Your loving friend, A. B.

To Mr. G. H. tenant in poſſeſſion of the premiſes, or ſome part thereof.

Writ of Facias habere Poſſeſſionem and Fieri facias.

To the Sheriff of County, his Deputy, or either of the Conſtables of in ſaid county, Greeting.

Writ of Poſſeſſion & Execution.

WHEREAS C. D. of E before (here mention the ſtile of the Court, and the time and place of its ſitting) by the conſideration of the ſaid court, recovered againſt A. B. of his term yet to come, of and in one meſſuage, one garden, &c. (as in the declaration) with the appurtenances, ſituate and being in P. in the ſaid county, which the ſaid A. B. had unjuſtly withheld, put out or amoved the ſaid C. D. from his poſſeſſion thereof: And alſo at the ſaid court recovered judgment for for coſts and damages which he ſuſtained by reaſon of the ſame; as appears of record.

IN the Name, and by the Authority of the Freemen of the State of Vermont, You are therefore hereby commanded, that without delay you cauſe the ſaid C. D. to have his poſſeſſion of his term aforeſaid yet to come, of and in the tenements aforeſaid, with the appurtenances. And that of the goods, chattles or lands of the ſaid A. B. within your precincts you cauſe to be levied, paid and ſatisfied unto the ſaid C. D. the aforeſaid ſum of which to the ſaid C. D. was adjudged for his coſts and damage; and more for this writ, and thereof alſo to ſatisfy yourſelf for your own fees. And for want of goods or chattles of the ſaid A. B. to be by him ſhewn unto you, or found within your precincts, to the acceptance of the ſaid C. D. for the ſatisfying the aforeſaid ſums, you are commanded to take the body of the ſaid A. B. and him

him commit to the keeper of the goal at in the county aforeſaid, within the ſaid priſon, who is hereby commanded to receive the ſaid A. B. and him ſafely keep, until he pay the full ſums above mentioned, with your fees, or that he be diſcharged by the ſaid C. D. or otherwiſe by order of law: Hereof fail not, and make due return to me, within ſixty days, of this writ, and your doings therein. Dated at the day of Anno Domini 17

T. G. Clerk of ſaid Court.

Writ of SCIRE FACIAS quare Executionem non-poſt Annum. Scire Facias.

TO the Sheriff of county, his deputy, or either of the Conſtables of in ſaid county, Greeting.

WHEREAS C. D. of before (the ſtile of the court, and time and place of its ſitting) by the conſideration of the ſaid court (or juſtice) recovered againſt A. B. of the ſum of debt; (or damages) and alſo coſts and charges, by him about his ſuit in that behalf expended: Whereof the ſaid A. B. is convicted, as appears of record. And although judgment be thereof rendered, yet execution for the ſaid debt (or damages) and coſts yet remains to be made: Whereof the ſaid C. D. hath ſupplicated a proper remedy to be provided for him in that behalf. To the end therefore that juſtice may be done, you are hereby required in the name and by the authority of the freemen of the State of Vermont, to make known to the ſaid A. B. that he be before (the ſtile of the court and time and place of its ſitting) to ſhew cauſe, if any he have, wherefore the ſaid C. D. ought not to have his execution againſt him the ſaid A. B. for his debt (or damage) and coſts aforeſaid: And further to do and receive that which the ſaid court (or juſtice) ſhall then conſider of him in this behalf. Hereof fail not, and make due return of this writ, with your doings herein, according to law. Dated at the day of Anno Domini 17

That a ſummons and declaration in an Action of Account on Book, ſhall be, as near as circumſtances will admit, in the form following, viz. Summons action of acco

To the Sheriff of the County of his Deputy, or either of the conſtables of in ſaid County, Greeting.

IN the Name and by the Authority of the Freemen of the State of Vermont, You are hereby required to ſummon A. B. of G. to appear before (the name of the magiſtrate or ſtile of the court, and time and place of its ſitting) then and there to anſwer unto C. D. of H. in a plea that to the plaintiff he the defendant render the ſum of which to the plaintiff he juſtly owes by book, to balance book accounts: Whereupon the plaintiff declares and ſays, that before the day of he the plaintiff, had delivered to the defendant certain monies, goods, wares and merchandizes, and alſo performed for the defendant certain ſervices (as the caſe ſhall be) to the amount of to render to the plaintiff his reaſonable account therefor: As by the plaintiff's book, ready in court to be ſhewn, and alſo by a ſchedule thereof, hereunto annexed, may appear. Nevertheleſs the defendant hath refuſed to render Declaration.

to

to the plaintiff his reaſonable account, or to pay the balance thereupon due, although often thereunto requeſted, which is to the damage of the plaintiff the ſum of and therefor, with juſt coſts, he brings this ſuit. Hereof fail not, but of this writ with your doings thereon, make due return. Dated at the day of Anno Domini 17

Paſſed Oct. 24, 1782.

An ACT regulating PROPRIETOR's MEETINGS.

I. BE it Enacted, and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame, That where lands lie in common, in any townſhip in this State, and a number of the proprietors of ſuch lands, to the amount of at leaſt one ſixteenth part, ſhall make application to any aſſiſtant, or juſtice of the peace, within the State, for calling a meeting of ſuch proprietors; ſuch juſtice or aſſiſtant is hereby required to iſſue his warrant for calling ſuch meeting, ſetting forth the time, place and the ſeveral other matters and things to be tranſacted, and the reaſons for calling ſuch meeting: Which warrant ſhall be inſerted in the Vermont Gazette, if the ſame be printed, or, in default thereof, the Maſſachuſetts Gazette, or the Connecticut Courant, three weeks ſucceſſively, the laſt time of which ſhall be at leaſt twenty days before the convening ſuch meeting.

Juſtices to iſſue warrants for calling proprietor's meetings.

Where ſuch warrants to be publiſhed.

Now proprietors to proceed.

And ſuch proprietors, when met, may proceed by ballot to chuſe a moderator, clerk and treaſurer, and may further proceed to tranſact any buſineſs which may concern the propriety: As the promoting of ſettlement, and laying out and making diviſion of lands, laying out roads, and any other buſineſs whatſoever, which concerns the propriety, notified as aforeſaid. And every proprietor ſhall be allowed to vote in proportion to his intereſt in ſuch propriety.

The mode of diviſion.

And the mode for diviſion of the lands ſhall be as follows, viz. When the proprietors are met according to the warning, and have agreed on the number of acres to be allotted or divided to each proprietor, they ſhall chuſe a committee to make a ſurvey thereof: Which committee ſhall at leaſt conſiſt of one ſurveyor, two chainmen, and one perſon to mark and make bounds (who ſhall all be under oath to the faithful diſcharge of their duty) and ſhall lay out, and number one lot (or as many as the proprietors vote) to each right. And when ſuch ſurvey ſhall be made, they ſhall return a plan thereof to the proprietors when met: And the clerk ſhall cut as many ſmall ſquare pieces of paper, as there are proprietors, including the public rights) and ſhall number them, and put them into a box, and ſhake them, and ſome diſintereſted perſon ſhall draw them out, as the clerk ſhall call the proprietors names, beginning at the firſt name in the charter, and ſo on untill all be drawn; and the clerk ſhall affix each number to the proprietor's name that drew it. Provided always that nothing herein contained ſhall prevent the proprietors from voting to any ſettler the lot he lives on, in lieu of his draft, if the ſame be legally notified in the warning for calling ſuch meeting.

And

And the votes and proceedings of ſuch meetings, as above, ſhall be good and valid in law. And ſuch proprietors may adjourn, and agree on ſuch mode of convening again as to them may be thought expedient: And ſuch clerk being duly ſworn, ſhall make fair and true entries of all the votes and proceedings of ſuch meeting; from which records ſuch clerk ſhall give fair and atteſted copies of any matter or thing therein contained, when requeſted thereto by any proprietor, on ſuch proprietor's tendering the ſum of four pence for each hundred words contained therein: The charters of each town, which may or can be procured, ſhall be recorded in the firſt pages of the proprietor's book of records.

Clerk to make entries and give copies.

Charters to be firſt recorded.

Always provided, That if any proprietor's clerk ſhall neglect or refuſe to do his duty herein, he ſhall, on conviction thereof before an aſſiſtant or juſtice of the peace, pay a fine of five pounds for every ſuch offence, and all damages which may ariſe by ſuch neglect or refuſal: And one half of ſuch fine ſhall be paid to the complainant, who ſhall proſecute to effect, and the remainder to the proprietor's treaſurer, for the uſe of the propriety: And all legal coſt ſhall be paid by ſuch delinquent.

Penalty on Clerk for neglect of duty.

That in any proprietor's meeting, legally warned and convened for the purpoſe, it ſhall be lawful for ſuch proprietors to make a rate of all ſuch coſts as ſhall have accrued, in running town lines, making a diviſion of lands, or any other matter for the benefit of the propriety: And to appoint a collector to gather the ſame from the owners of lands in ſuch propriety: Which collector is hereby directed to publiſh ſuch rate or tax, with the reaſon why the ſame was made, for three weeks ſucceſſively, in the Vermont Gazette, if the ſame be printed, or in default thereof, in the Connecticut Courant, or the Maſſachuſetts Gazette.

Proprietors may lay a tax to pay publick charges.

And in caſe any part of ſuch rate ſhall be unpaid thirty days after the laſt time of ſuch publication, it ſhall be the duty of ſuch collector to publiſh in the paper, and for the time before mentioned, the names of the grantees upon whoſe rights default of payment has been made, and the ſums due thereon, and therein to give notice, that a neceſſary proportion of ſuch lands will be ſold at public vendue, at a certain place and time to be therein mentioned, not leſs than twenty, nor exceeding thirty days, from ſuch laſt publication, unleſs ſuch tax, and the coſt, ſhall be ſooner paid. And provided there ſhall then remain any part of ſuch tax unpaid, ſuch collector ſhall proceed to ſell at public vendue, ſo much of ſuch delinquent's land, beginning firſt with undivided (if any there be) as to pay ſuch tax, together with coſt, including not only the coſt of ſuch vendue, but that of the laſt advertiſements. And ſuch collector ſhall make and execute a deed or deeds to the purchaſor or purchaſors; which deed or deeds ſhall be good, and valid in law.

Collector's duty.

Always provided that if the proprietors of ſuch land ſhall appear, and tender to ſuch collector the full ſum of money for which ſuch land was ſold, with the coſt ariſing thereon, within one month after ſuch ſale: then ſuch collector ſhall receive the money, and not execute ſuch deed to the purchaſor, but redeliver to him his money.

Time of redemption given.

And

And ſuch collector ſhall make return of his doings to the proprietors clerk, within two months after any ſuch vendue, and remit the money which he may have collected from time to time, to the treaſurer, as often as he may be directed by ſuch propriety: And on neglect of any part of his duty, ſhall be liable to the ſame penalties as is in this act before directed for any deficiency in the clerk's duty.

And provided there ſhall be any money remaining after ſuch tax and coſt is fully paid, ſuch overplus money ſhall be paid to the perſon or perſons which were the rightful owners of ſuch lands as may be ſold, at the time of ſuch vendue, when called for by ſuch owners.

II. Time of redemption for ſoldiers and captives.

Be it further Enacted by the Authority aforeſaid, That ſuch perſons as ſhall be in the continental ſervice, or in captivity, when their lands ſhall be vendued as aforeſaid, ſhall have right of redemption to ſuch lands, during one full year after the impediments of ſoldiery or captivity are removed, by payment or tender of the ſame ſum of money for which ſuch lands were ſold, with the intereſt of ſuch money, at ſix per cent. per annum, to the purchaſor of ſuch land, his heirs or aſſigns. And in caſe any improvement ſhall have been made on ſuch lands in the mean time, then thoſe perſons before deſcribed, may make payment or tender of ſuch ſum of money as ſhall be judged by indifferent perſons to be equal to the value of ſuch improvements: And ſuch perſon or perſons ſhall be re-inſtated in the fee of their land: Any thing in this act to the contrary notwithſtanding.

III. Proprietors meetings, &c. to be held in the State.

And be it further Enacted by the Authority aforeſaid, That from and after the publication hereof, all proprietors meetings reſpecting any lands in this State, ſhall be held in the State: And all ſales of lands by virtue of this act, ſhall be made at ſome public place in the county where ſuch land lies: And if any proprietors meeting, or vendue, reſpecting any lands in this State, ſhall be held out of the ſame or in any other manner than what is warranted by this act, the ſame ſhall be null and void.

IV. This act not to affect former proceedings.

And be it further Enacted by the Authority aforeſaid, That nothing in this act ſhall be conſtrued to affect or alter the votes or proceedings of any proprietors meeting or meetings, held before the paſſing of this act.

An ACT for the regulation of FEES.

Paſſed Oct. 24. 1782.

Preamble,

WHEREAS the FEES heretofore granted to the Officers of Government, have been found, in ſome inſtances, inadequate to the ſervices they were intended to compenſate:

BE it therefore Enacted, and it is hereby Enacted, by the Repreſentatives of the Freemen of the State of Vermont, in General Aſſembly met, and by the Authority of the ſame, That the fees to be taken by the ſeveral officers of this State herein after mentioned, be as follows, viz.

FEES

FEES for the LIEUTENANT GOVERNOR.

For attending the Council per day, eight ſhillings. Travel per mile out four pence. Lieut. Governor's Fees.

COUNCILLORS FEES.

For attending Council, per day, ſeven ſhillings. Travel, per mile out, four pence. Councillors Fees.

REPRESENTATIVES FEES.

For attending the General Aſſembly, per day, ſix ſhillings. Travel per mile out, four pence. Repreſentatives Fees.

SUPREME COURT's FEES.

Chief Judge while ſitting, per day, eighteen ſhillings. Aſſiſtant Judge, while ſitting per day, fifteen ſhillings. Travel, per mile out, four pence. To the jury, for each action tried, one pound four ſhillings: And there ſhall be paid into the Clerk's hands, for the benefit of the Judges attending, for each action tried, eighteen ſhillings. And for each default or confeſſion, ten ſhillings. Supreme Court's Fees.

CLERK of SUPREME COURT's FEES.

For each days attendance on the court, while ſitting, ſix ſhillings. Each mile's travel out four pence. Entering each action for trial two ſhillings. Entering each judgment two ſhillings. Filing each recognizance, teſtimony, and other neceſſary papers, each four pence. Taking each recognizance in court, one ſhilling. Every rule of court ſix pence. Every execution, one ſhilling and ſix pence. Copies of each paper, ſo much as ſhall be taxed by the court, according to the length. For other ſervices not herein particularly mentioned, ſuch ſum as ſhall be allowed by the court. Clerk of Supreme Court's Fees.

COUNTY COURT's FEES.

Chief Judge, while ſitting, per day, ten ſhillings. Aſſiſtant Judges each, per day, ſeven ſhillings. Travel per mile out, four pence. To the Jury, for each action tried, eighteen ſhillings. And there ſhall be paid to the Clerk for the benefit of the County Treaſury, for each action tried, ten ſhillings. For each default or confeſſion four ſhillings. And for licence to each tavern keeper (whereof to the clerk two ſhillings) ſix ſhillings. County Court's Fees.

CLERK of COUNTY COURT's FEES.

Entering each action one ſhilling. Entering each judgment by default or confeſſion, one ſhilling and ſix pence. Recording each judgment on demurrer, and after verdict, three ſhillings. Filing each recognizance, teſtimony, and other neceſſary papers, each, four pence. Taking each recognizance in court, one ſhilling. Entering the common rule in ejectment, one ſhilling and ſix pence. Every other rule or order of court, ſix pence. Every execution one ſhilling and ſix pence. Copies of each paper ſuch ſum as ſhall be allowed by the court, according to the length. For attachments, ſummonſes, and other ſervices proper to him, Clerk of County Court's Fees.

as in the juſtices fees. For other ſervices, not herein particularly enumerated, ſuch ſum as ſhall be allowed by the court.

COUNCILLORS and JUSTICES FEES.

Juſtices Fees. Signing attachments or ſummons for action, one ſhilling: When bond is given, one ſhilling and three pence. Subpœna, for each witneſs, four pence. For judgment in each action tried, three ſhillings. If on the verdict of a jury, ſix ſhillings. Every execution, one ſhilling and ſix pence. Each continuance, one ſhilling. Every complaint, nine pence. Every warrant for criminals, one ſhilling and three pence. Every appeal and recognizance, two ſhillings. Copy of each evidence, ſix pence. Copy of judgment, eight pence. Recognizance one ſhilling. Each venire for a jury, one ſhilling. Judgment on confeſſion or default, one ſhilling. Affidavits taken out of court, one ſhilling. Taking the acknowledgment of a deed, &c. ſeven pence.

JUDGE of PROBATE's FEES.

Judge of Probate's fees. For granting adminiſtration two ſhillings. If the inventory exceeds fifty pounds, three ſhillings. Receiving and proving each will where the inventory does not exceed fifty pounds, two ſhillings. If the inventory exceeds fifty pounds, three ſhillings. Allowing of accounts, ſettling and dividing inteſtate eſtates, five ſhillings. Every neceſſary rule or order, one ſhilling. Appointment of perſons to inventory and appraiſe an eſtate, one ſhilling and ſix pence. Appointing committee to ſet off widows dower one ſhilling and ſix pence. Appointing guardians, two ſhillings.

CLERK of COURT of PROBATE's FEES.

Clerk of Probate's Fees. For drawing and filing adminiſtration bond, two ſhillings. Each letter of adminiſtration, one ſhilling and ſix pence. Probate of a will where the inventory does not exceed fifty pounds, two ſhillings. Where it does exceed fifty pounds, two ſhillings and ſix pence. Recording or copying a will, inventory, or other neceſſary papers, for each hundred words four pence. Every citation, nine pence. Every quietus or acquittance, two ſhillings and ſix pence. Making out a commiſſion to receive and examine the claims of creditors to inſolvent eſtates, two ſhillings. Regiſtering the ſame, one ſhilling. Entering an order upon the adminiſtrator to pay out the eſtate in proportion unto the ſeveral creditors, returned by the commiſſioners, one ſhilling and ſix pence. Entering every other neceſſary order or rule, ſix pence. Drawing and filing every guardian bond, two ſhillings. For every other neceſſary ſervice not herein particularly mentioned. ſuch ſum as ſhall be allowed by the judge.

SECRETARY of the STATE's FEES.

Secretary of the State's Fees. For recording Laws in the State Records, for every hundred words, four pence. For receiving and filing each petition between party and party, eight pence. For receiving and filing each petition for land, one ſhilling. For copies of laws, petitions, &c. for each hundred words four pence. For each citation between party and party one ſhilling. And there ſhall be paid to the Secretary for the uſe of the Treaſury, on the filing of each petition between party and party, to be determined by

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the aſſembly, one pound. For drawing, atteſting and regiſtering each charter of incorporation, one pound. For attending the General Aſſembly, for each day, twelve ſhillings, Travel per mile out, four pence.

SECRETARY of the COUNCIL's FEES.

Secretary of Council's fees.

For each military commiſſion, he finding blanks, one ſhilling and ſix pence. Each commiſſion for the Juſtices of a county, four ſhillings and ſix pence. Commiſſion for judges of the ſupreme court, three ſhillings. For each commiſſion for Judges of county and probate courts, two ſhillings. Every order of council for the benefit of particular perſons, one ſhilling. Affixing the ſtate ſeal, each time, one ſhilling and ſix pence. Attending council, per day, ſeven ſhillings. Travel per mile out, four pence.

TOWN CLERK's FEES.

Town Clerk's fees.

For recording a deed, one ſhilling and two pence. For the copy of a deed, one ſhilling and two pence. Recording a ſurvey bill, ſix pence. Recording a marriage, birth or death, three pence. Recording each mark, ſix pence.

ATTORNEY's FEES.

Attorney's Fees.

In taxing bills of coſt, the party recovering to be allowed for attorney's fees: At county courts, twelve ſhillings; in the ſupreme court, eighteen ſhillings; in the aſſembly, eighteen ſhillings. To the State's Attorney, for proſecuting each criminal action to effect, one pound ten ſhillings.

POST WAGES.

Poſt Wages.

For man, horſe and expences, each mile out, if he does not croſs the Green Mountain, four pence. If acroſs the Green Mountain, five pence.

SHERIFF's and CONSTABLE's FEES.

Sheriff's and Conſtables Fees.

Serving every proceſs, on each defendant, by reading, four pence. If by copy, one ſhilling. Bail bond (if taken) one ſhilling. For levying each execution, to be one ſhilling for one pound or under, and three pence on the pound for every pound above. For attending on a juſtice's court, when obliged to attend, for each action tried, two ſhillings. Each mile's actual travel, four pence. Sheriffs attending the general aſſembly, ſupreme or county court's per day, ſix ſhillings. Conſtables for the like ſervice, per day four ſhillings and ſix pence.

Parties and witneſſes fees.

Fees for Plaintiff or defendant attending any court, per day, two ſhillings. Witneſſes for attending any court, per day, three ſhillings. Travel for plaintiff, defendant, or evidence in any court, per mile three pence. Plaintiff or Defendant, living out of the ſtate, for croſſing the line of the ſtate, and from thence to court, ſix ſhillings. Fees for freeholders ſummoned to aſſeſs the damages ſuſtained in laying out highways, ſhall be for each freeholder, per day, three ſhillings. The ſheriff attending on ſuch freeholders, per day, four ſhillings. Jury for a juſtice's court, for each action tried, to be advanced by the party praying a jury, nine ſhillings.

Freeholders fees.

Jury fees before a juſtice.

BRANDER

For the Regulation of FEES.

BRANDER and RECORDER of HORSES FEES.

Brander of Horſes Fees.

For branding and recording every horſe kind, ſix pence. For each copy of record, ſix pence.

GOALER's FEES.

Goaler's Fees.

For Commitment of a priſoner, two ſhillings. For diſcharge of a priſoner, two ſhillings. For dieting a priſoner, per week, five ſhillings.

COUNTY SURVEYOR's FEES.

Surveyor's Fees.

For himſelf and horſe per day beſide expences, ſix ſhillings.

Sheriff's and Conſtable's Aſſiſtants Fees.

Sheriff's Aſſiſtants Fees.

For each man that attends the ſheriff or conſtable, per day, four ſhillings.

GRAND JUROR's FEES.

Grand Juror's fees.

For each day's attendance at the ſupreme or county court, for each grand juror, four ſhillings and ſix pence. And four pence per mile travel, from their reſpective dwelling houſes to the court.

FEES for AGENTS to CONGRESS.

Fees of Agents to Congreſs.

For each day's ſervice, (excluſive of expences) finding their own horſes, ten ſhillings.

FEES for AUDITORS of ACCOUNTS, COMMITTEES of PAYTABLE, and for Reviſing the LAWS.

Fees of Auditors, &c.

For each day's ſervice (they bearing their own expences) twelve ſhillings.